

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

J&J SPORTS PRODUCTIONS, INC.,
AS BROADCAST LICENSEE
OF THE MAY 22, 2010 "ONCE
AND FOUR ALL":
VAZQUEZ / MARQUEZ PROGRAM

Plaintiff,

v.

FOWLER'S BARBECUE AND
STEAKHOUSE, INC., Individually and
d/b/a FOWLER'S BARBECUE AND
STEAKHOUSE and d/b/a WILD BILL'S
SPORTS BAR; DAVID LOVING,
Individually and d/b/a FOWLER'S
BARBECUE AND STEAKHOUSE
and d/b/a WILD BILL'S SPORTS BAR;
WILLIAM G. STANLEY, JR.,
Individually and d/b/a FOWLER'S
BARBECUE AND STEAKHOUSE
and d/b/a WILD BILL'S SPORTS BAR; and
4) WILLIAM G. STANLEY, SR.,
Individually and d/b/a FOWLER'S
BARBECUE AND STEAKHOUSE and
d/b/a WILD BILL'S SPORTS BAR,

Defendants.

CIVIL ACTION No. 9-13-CV-104

JUDGE RON CLARK

ORDER OF DISMISSAL WITHOUT PREJUDICE

Before the court is the Notice of Dismissal Without Prejudice filed Plaintiff J&J Sports Production, Inc. (Doc. # 5). Pursuant to Fed. R. Civ. P. 41(a)(1), a plaintiff may seek voluntary dismissal without prejudice, prior to an answer or motion for summary judgment by the opposing parties. If the Plaintiff previously dismissed the same claims in a state or federal action, the notice of dismissal serves as an adjudication of the merits. The Defendants have not filed an answer or a motion for summary judgment, and the Plaintiff's motion states the Plaintiff has not

previously dismissed an action based on these claims. It is in the opinion of the court that it should dismiss this case without prejudice.

IT IS THEREFORE ORDERED that this case is DISMISSED WITHOUT PREJUDICE.

So **ORDERED** and **SIGNED** this **23** day of **August, 2013**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge